

### **REMARKS**

Reconsideration and entry of these remarks are respectfully requested. Claims 1, 3-20, 22-28, 30-39 and 41 are pending.

Claims 1, 3, 5-7, 9, 20, 22-24, 28, 30, 32-34, 36, 39, and 41 stand rejected under 35 U.S.C. 102(e) as being anticipated by Maurille. This rejection is respectfully traversed.

The Examiner contends that Maurille teaches:

wherein the generating step includes inserting a uniform resource locator (URL) within the HTML page causing the browser to request interruption of a present application session of the second party (message box requests that the user stop the current session to enter talk session) (Col 19, Lines 2-9) to create the new application session (enter talk session and respond) for the second party (Col 19, Lines 12-15)

First, Maurille does not teach the step of claims 1 and 28 of inserting a uniform resource locator (URL) within the HTML page causing the browser to request interruption of a present application session of the second party. There is no teaching of URL for causing interruption in Maurille. In fact, the Examiner has failed to indicate where Maurille teaches a URL causing interruption.

Furthermore, in the claims, the HTML page (with URL e.g., claims 1 and 28) originates in the first application instance between the application server and a first party to request interruption of a present application session of the second party to create a new application session for the second party. Thus, the HTML document requesting interruption originates at another source (application instance of first party). In Maurille, a present application session of the second party is merely updated to announce a new incoming message via a message box within the present page; there is no teaching of a HTML document or URL, generated in a first application instance of a first party, which interrupts a present application session of the second party.

Hence, the rejection of the independent claims 1, 20, 28 and 39, and the claims that depend there-from should be withdrawn because it fails to demonstrate that the

applied reference discloses each and every element of the claim. See MPEP 2131. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). "Anticipation cannot be predicated on teachings in the reference which are vague or based on conjecture." *Studiengesellschaft Kohle mbH v. Dart Industries, Inc.*, 549 F. Supp. 716, 216 USPQ 381 (D. Del. 1982), *aff'd.*, 726 F.2d 724, 220 USPQ 841 (Fed. Cir. 1984).

Claims 12-14 and 17-19 stand rejected under 35 U.S.C. 102(e) as being anticipated by Phaal.

Claim 12 recites generating an HTML page, originating in the first application instance, having instructions for a persistent browser instance, having received the HTML page, to interrupt a present application session of the second party and initiate a new application session for the second party. In Phaal, the countdown function (which the Examiner has interpreted as an interrupt) does not originate in an application instance established to serve a first party. At column 7, lines 30-45, Phaal merely teaches that if the server associated with the client is busy, after a countdown in time, the client's browser automatically contacts the server again. This resubmission to the server is not a teaching of interrupting a present application session of the second party and initiating a new application session for a second party. In fact, Phaal teaches at column 7, line 42, that upon expiration of the countdown, the browser is directed to the same URL which resulted in the deferral. The broadest reasonable interpretation of "interrupt" cannot be inconsistent with the specification. Hence, "claims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their 'broadest reasonable interpretation.'" MPEP § 2111.01 at 2100-48 (Rev. 3, Aug. 2005) (quoting *In re Marosi*, 710 F.2d 799, 802, 218 USPQ 289, 292 (Fed. Cir. 1983)(emphasis in original)).

Thus, Phaal fails to teach each feature of claim 12. Therefore, the rejection should be withdrawn.

Claim 15 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Phaal in view of Vaid. Claim 15 depends from claim 12 and is considered to be allowable for the reasons advanced above with regard to claim 12 and, for the

additional reason, that the added subject matter thereof is not taught or suggested by the prior art of record.

Claim 16 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Phaal in view of Alles et al. Claim 16 depends from claim 12 and is considered to be allowable for the reasons advanced above with regard to claim 12 and, for the additional reason, that the added subject matter thereof is not taught or suggested by the prior art of record.

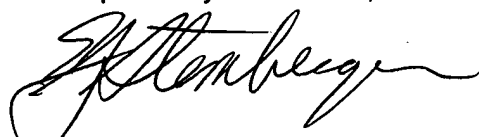
Claims 8, 10, 25, 26, 35 and 37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Maurille in view of Official Notice. These claims depend from independent claims 1, 20, and 28 and are considered to be allowable for the reasons advanced above with regard to Maurille and, for the additional reason that the added subject matter thereof is not taught or suggested by the prior art of record.

Claims 11 and 38 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Maurille in view of Cave. These claims depend from independent claims 1 and 28 and are considered to be allowable for the reasons advanced above with regard to Maurille and, for the additional reason that the added subject matter thereof is not taught or suggested by the prior art of record.

The indication that claims 4 and 31 contain allowable subject matter is noted with thanks. However, Applicants see no need in placing these claims in independent format at this time, since independent claims 1 and 28 are considered to be allowable over the prior art of record.

All rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'E. Stemberger', with a stylized, flowing script.

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